



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

DEPARTMENT OF CORRECTIONS

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Part	Section	Subject	Policy No.	Review Date
Administration and Management	Training and Staff Development	Use of Pepper Spray	1.4.7	
ACA Standards	3-ALDF-1D-19 Use of Chemical Agents (M); 3A-28 Personnel Discharging Firearms, Using Chemical Agents Submit Written Report; 3A-29 All Persons Injured Receives Medical Examination and Treatment			
Consent Decree	Paragraph 54 Develop Facility Policies and Procedures			

I. PURPOSE

To establish procedures for correctional officers guide in the use of chemical agents.

II. POLICY

The Department of Corrections (DOC) recognizes that officers responding to disturbances require application of a variety of tactics and skills in order to safely and successfully manage the situation. Therefore, it is the Department's policy making it mandatory to strictly follow these operating procedures to ensure that any and all individuals injured during a disturbance receives medical examination and/or treatment and for the responsible officer to submit a report as a result of using chemical agents.

III. DEFINITIONS

Authorized Personnel: Any corrections officer who has attended and successfully completed the training on the use of OC devices.

Oleoresin Capsicum (OC)/ (Pepper Mace): A naturally occurring substance derived from the cayenne pepper plant in a distilled water base. It is classified as an inflammatory agent. OC may cause localized heat, redness, swelling, and pain to contaminated skin and tissues. OC is intended to temporarily disable or immobilize combative, threatening, resistive, or hostile individuals.

IV. PROCEDURES

- A. The use of force is sometimes necessary and it is a justifiable self-defense in the correctional environment or for, protection of property and others, as well as, to prevent escape attempts. Force should be employed only to the degree necessary to control the offender, and to the level that is effective minimizing harm to both staff and offenders. Necessary is defined as reasonable amount and type of force needed

to overcome the resistance. The determination of what is reasonable in any context is not determined by an officer's intent or motivation or what the officer may perceive to be reasonable, but what is the conclusion that would be drawn by a reasonable officer at the scene weighing the facts of the situation based upon the totality of the circumstances. Correctional officers must always remember that whatever the circumstances are, only the minimum amount of force necessary to bring the person/s under control, and must cease after the offender has been rendered incapable of further resistance. "The officer is justified to use non-deadly force if s/he reasonably believes that the force is necessary to control the offender and to defend him/herself or another from bodily harm."

The officers will use only approved, department-issued chemical agent in the performance of their duties. Officers are authorized to carry department issued chemical agent (pepper mace) while posted in the housing unit after being certified as specified in this SOP.

B. Use of OC/Pepper Mace

1. All personnel authorized to use pepper mace received thorough training in the use of OC devices or spray.
2. The Training Officer will establish a training manual that includes certification in the use of pepper mace. Certification document will be filed in each officer's training record.
3. Only those receiving instructions by certified instructors are authorized to carry and use OC devices or pepper mace in the performance of their duties.
4. The use of pepper mace is restricted to those circumstances authorized by the Shift commander and/or the Captain of Operations and in accordance with the Use of Force Policy and Procedures.
5. The Armory will issue pepper mace canisters with its holster to personnel who are certified in the use of the pepper mace.
6. If a pepper mace is used during an incident, the spent canister will be returned to the Armory, so that it can be replaced.
7. The Armory will inventory the supply of pepper mace once a month to determine their condition and expiration dates, to ensure that they are ready for use and there is sufficient supply available. Pepper mace that is expired will be disposed in accordance with the manufacturer's instructions.
8. Individual Officers will physically inspect their issued pepper mace canisters for damage on a daily basis. If carried on the duty belt unused for 30 days or more, test the unit by spraying in an isolated area for 1/4 second. This clears the nozzle from any debris or condensation.

9. The C.E.R.T may decide to use pepper mace in the facility as part of their response to a situation.
10. In any incident where pepper mace is to be used, the Shift Commander and/or Captain of Operations will stage medical staff on scene prior to the use of any OC when possible.
11. At all times, corrections officers will carry their pepper mace while on duty and in uniform, unless the officer has written permission from the Director of Corrections or Commissioner of Corrections.
12. The following guidelines should be followed when pepper mace is administered:
 - a. The Use of Force Policy and Procedure will be strictly followed.
 - b. When practicable, the officer will give clear orders to the inmate/detainee to comply and warn the inmate/detainee that force will be used to gain compliance, if required.
 - c. Compliance may sometimes be gained by exhibiting the pepper mace unit to the resistant inmate/detainee. The use of the pepper mace should be the last action.
 - d. The officer will attempt to spray the subject in the area of the forehead and eyes from a distance of at least three (3) feet.
 - e. After applying the pepper mace to an inmate/detainee, the inmate/detainee is to be restrained by handcuffs immediately. Attempt to calm the inmate/detainee by assuring the inmate/detainee that he/she will receive medical care quickly. Remove the inmate/detainee from the affected area and start the decontamination process. Monitor the inmate/detainee for breathing difficulty, nausea, or disorientation until medical staff has checked the inmate/detainee. Escort the inmate/detainee from the affected area to medical station. Medical staff will observe the sprayed inmate/detainee for any side effects. While in the medical station, have the inmate/detainee flush his/her eyes with water.
 - f. Only medical staff or the sprayed inmate will remove contact lenses, if worn.

C. Security Equipment Storage

1. A supply of pepper mace and related security items are stored in the Armory and can be accessed by the Logistic Unit upon approval by the Director of Corrections or Commissioner of Corrections.
2. The Logistic Unit will be in-charge in the issuance of pepper mace.

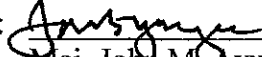
D. Aftercare for Exposure to Pepper Mace

1. Any person coming into contact with pepper mace will be referred to Medical Station immediately. The facility nurse will provide the appropriate treatment, or direct that the person receive treatment from ambulance or hospital personnel.
3. Once a disturbance has been controlled, any housing area that was involved with the use of pepper mace will be immediately ventilated and thoroughly cleaned.
4. If an inmate/detainee is sprayed with pepper mace while in transport outside the facility, the sprayed person will be transported to the hospital for proper cleaning procedures if they are displaying any signs of undue breathing difficulty or if the sprayed person has any other injuries that require medical attention.
5. If the sprayed person displays no symptoms other than the normal discomfort and irritation, transport the inmate/detainee to the facility for proper cleaning procedures. When practicable, persons sprayed should be offered an initial cleaning with water before they are transported back to the facility.

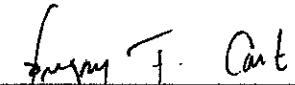
E. Reporting Use of Chemical Agents

1. Any time a mace is used, an incident report will be completed and submitted at the end of the shift to the Shift Commander. A copy of the report will be provided to the Operations Captain, Deputy Director of Corrections, Director of Corrections and Commissioner of Corrections. As a minimum, the incident report should describe the nature of the incident, the pepper mace canister manufacture number, who it was discharged against, why and how many times it was discharges, medical treatment given, decontamination efforts in the area affected and for the sprayed inmate/detainee.

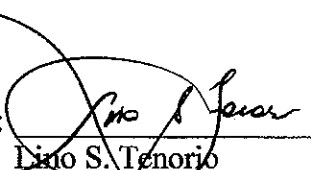
The Department of Corrections recognizes that applicable CNMI/Federal laws and provisions of the Personnel Service System Rules and Regulations preside over this policy and procedures.

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10-25-07
Date

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11/25/07
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10/31/07
Date